

OPINION 1151

LINGULOPS HALL, 1872 (BRACHIOPODA) CONSERVED

RULING – (1) Under the plenary powers the generic name *Ligulops* Hall, 1871, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The generic name *Lingulops* Hall, 1872 (gender: masculine), type species, by monotypy, *Lingulops whitfieldi* Hall, 1872, is hereby placed on the Official List of Generic Names in Zoology with the Name Number 2101.

(3) The specific name *whitfieldi* Hall, 1872, as published in the binomen *Lingulops whitfieldi* (specific name of type species of *Lingulops* Hall, 1872) is hereby placed on the Official List of Specific Names in Zoology with the Name Number 2703.

(4) The generic name *Ligulops* Hall, 1871, as suppressed under the plenary powers in (1) above, is hereby placed on the Official Index of Rejected and Invalid Generic Names in Zoology with the Name Number 2114.

HISTORY OF THE CASE Z.N.(S.) 1505

An application from Dr A.J. Rowell (then of *University of Nottingham, England*) for the conservation of the generic name *Lingulops* Hall, 1872, was first received on 31 October 1961. It was sent to the printer on 6 December 1961 and published on 10 September 1962 in *Bull. zool. Nom.* vol. 19, p. 310. Public notice of the possible use of the plenary powers in the case was given in the same part of the *Bulletin* as well as to the statutory journals and five specialist journals. In the uncertainty that then prevailed concerning the interpretation of Article 23b of the 1961 Code, it was not clear whether *Lingulops* Hall, 1872, could be treated as an emendation of *Ligulops* and, if so, whether *Ligulops* Hall, 1871 and 1872 could be dealt with under that provision. These aspects were discussed by Dr L.B. Holthuis and the late Professor Chester Bradley and general agreement was reached that the case would be best treated by use of the plenary powers, but the case was not then put to a vote. The application was supported by Dr Arthur J. Boucot (*California Institute of Technology*) and Dr J.A. Talent (*Geological Survey of Victoria, Australia*).

The file was reopened in October 1974 when a revised presentation of the case was sent to Dr Rowell (by that time at the *University of Kansas, Lawrence, Kansas, U.S.A.*) and approved

by him. It was sent to the printer on 19 November 1974 and published on 27 March 1975 in *Bull. zool. Nom.* vol. 32, p. 51. Public notice of the possible use of the plenary powers in the case was again given. No comments were received.

DECISION OF THE COMMISSION

On 20 August 1979 the members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (1979)7 for or against the proposals set out in *Bull. zool. Nom.* vol. 32, p. 51. At the close of the voting period on 20 November 1979 the state of the voting was as follows:

Affirmative Votes – seventeen (17) received in the following order: Melville, Vokes, Holthuis, Alvarado, Hahn, Mroczkowski, Willink, Trjapitzin, Tortonese, Sabrosky, Welch, Brinck, Habe, Corliss, Bayer, Nye, Heppell

Abstentions – Dupuis, Cogger

Negative Vote – Bernardi.

Late affirmative votes were returned by Kraus, Halvorsen and Starobogatov. Ride was on leave of absence. No vote was returned by Binder.

The following comments were returned by members of the Commission with their voting papers:

Hahn: 'I fully agree with Dr Rowell's proposal. Also, even if the emendation of Hall, 1872, is invalid, it was apparently his "*intentio auctoris*" to name his genus *Lingulops*. This is proved by his notice "Printed *Ligulops* by mistake in some copies of this paper. *Ligulops*, suppressed as a *nomen oblitum* under Art. 23a-b before 1973 should not come into use again because of an alteration of Art. 23 that I consider awkward.'

Bernardi: 'Il ne me semble pas que l'emploi de *Ligulops* constitue une source de confusion. Pourquoi ne pas appliquer strictement le Code et écrire désormais *Ligulops* au lieu de *Lingulops* en "renvenant aux sources"?'

Dupuis: 'Je vote pour *Lingulops* avec la date de 1871 (puisque les deux descriptions sont identiques). Hall savait très bien ce qu'il faisait et toutes nos mesquineries n'y changeront rien.'

Cogger: 'This proposal is surely unnecessary. All authors have apparently assumed that *Ligulops* Hall, 1871 was a lapsus for *Lingulops*, i.e. they have regarded *Lingulops* as a valid emendation of *Ligulops*. Indeed, a statement by the original author that the latter name was "printed . . . by mistake" for *Lingulops* can reasonably be argued as a justified emendation under Article 33a(i), and I would regard it as such. However, if it was felt necessary to

remove any ambiguity an appropriate course would seem to be to use the plenary powers to confirm *Lingulops* Hall, 1872 as a justified emendation of *Ligulops* Hall, 1871.'

ORIGINAL REFERENCES

The following are the original references to names placed on Official Lists and an Official Index by the ruling given in the present Opinion:

Ligulops Hall, 1871, *Preliminary Notice: 23rd Report State Cabinet Nat. Hist. . . . Paleontology New York*, p. 2

Lingulops Hall, 1872, *23rd Report State Cabinet Nat. Hist.*, p. 245
whitfieldi, *Lingulops*, Hall, 1872, *23rd Report State Cabinet Nat. Hist.*, expl. pl. 13, figs. 1, 2.

CERTIFICATE

I certify that the votes cast on V.P.(79)7 were cast as set out above, that the proposal contained in that voting paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is truly recorded in the present Opinion No. 1151.

R.V. MELVILLE
Secretary

International Commission on Zoological Nomenclature
London
4 January 1980